

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

APR 27 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

GEORGE WILLIAM McLEMAN,

Appellant.

2 CA-CR 2006-0177

DEPARTMENT B

MEMORANDUM DECISION

Not for Publication

Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20051570

Honorable Stephen C. Villarreal, Judge

AFFIRMED

Emily Danies

Tucson
Attorney for Appellant

E S P I N O S A, Judge.

¶1 Appellant George McLeman was convicted after a jury trial of possession of the following items: a dangerous drug for sale, a narcotic drug, equipment for the purpose of manufacturing a dangerous drug, a deadly weapon during the commission of a felony drug offense, marijuana, and drug paraphernalia. The jury also found McLeman had possessed

more than nine grams of methamphetamine, the dangerous drug he had possessed for sale. The trial court sentenced him to concurrent, presumptive prison terms, the longest of which was five years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999). McLeman has not filed a supplemental brief.

¶2 As an arguable issue, counsel suggests the trial court might have erred in refusing to strike a prospective juror for cause, thus requiring McLeman to exercise a peremptory strike to remove the juror from the panel. We find no merit to counsel's suggestion. The juror, Christopher Roads, told the court both he and his wife are lawyers, and both had been prosecutors in Pima County for a number of years. In addition, Roads noted he knew three of the state's witnesses.

¶3 In his early years as a prosecutor, Roads said, he had tried a few illegal drug cases, mostly involving cocaine or marijuana. And he said his wife had spent a number of years prosecuting narcotics cases. But, throughout extensive questioning by the court, Roads maintained he could be fair and impartial, could view the evidence objectively, would follow the court's instructions on the law, and would be unaffected by either his or his wife's prior employment. In doing so, he noted it had been nearly seven years since he had worked for the county attorney.

¶4 As for the state's witnesses he knew, Roads reported he had called the criminalist to testify in cases in which defendants had been charged with driving under the

influence of alcohol but never in cases involving dangerous or narcotic drugs. Roads told the court a police officer witness had been involved in an asset forfeiture case nearly fifteen years previously but had not testified in the case. And Roads said he had not seen the officer in more than ten years. Roads also reported another police officer's name was familiar to him as the author of reports he had read. But Roads also reported he had no social connection with any of the witnesses and could assess their testimony fairly and impartially.

¶5 Considering the trial court's lengthy questioning of Roads and Roads's repeated responses that he could judge the case fairly and impartially, we find no error in the court's overruling of McLeman's objection to Roads's serving as a juror. And, pursuant to our obligation under *Anders*, we have searched the record for fundamental error, but have found none. Accordingly, McLeman's convictions and sentences are affirmed.

PHILIP G. ESPINOSA, Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

J. WILLIAM BRAMMER, JR., Judge